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Federal Communications Commission
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Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

To: The Commission

PETITION FOR RECONSIDERATION

Central Michigan University ("CMU"), licensee of four noncommercial educational television stations serving central and northern Michigan, by its counsel, hereby petitions for reconsideration of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"), insofar as the *Sixth R&O* allocates out-of-core band channels as the paired digital TV channels for three of CMU's four public television stations. As described herein, requiring CMU to use Channel *56 for WCMU-TV, Channel *14, Mt. Pleasant, Channel *57 for WCML(TV), Channel *6, Alpena, and Channel *58 for WCMV(TV), Channel *27, Cadillac, will cause substantial and unnecessary hardship. CMU is currently engaging in engineering studies and anticipates that it and the Commission, working together, can find workable DTV channels within the core spectrum to substitute for Channel *56, *57 and *58 without significant disruption to other allotments or diminution in coverage area. In these respects, CMU seeks relief by this petition.

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At the outset, CMU compliments the Commission on the substantial effort reflected in the DTV Table of Allotments and the *Fifth and Sixth Reports and Orders* in this proceeding. CMU appreciates that the FCC has recognized and tried to accommodate the unique needs of public television stations. CMU also understands the complicated considerations that will have to be undertaken by the Commission as it deals with this Petition and others filed by commercial and noncommercial educational television stations. Nevertheless, CMU believes that alternative DTV channels as requested in this Petition would serve the public interest.

CMU has operated its public TV stations WCMU-TV, WCML and WCMV since 1967, 1975 and 1984, respectively, providing high quality educational, informational and cultural programming, including children's programming, to the central and northern Michigan region (consisting of 52 counties). By necessity, as a noncommercial educational licensee and a public institution of higher education, CMU must be a careful steward of its resources, even while it seeks to offer leadership in the public broadcasting system. CMU has planned to extend its leadership into the digital television era and looked forward to the early, innovative activation of DTV facilities at all four of its public TV stations. The allocation of Channels *56, *57 and *58 as its paired DTV channels for three of its stations, however, creates enormous obstacles to the achievement of these goals.

In the *Sixth Further Notice of Proposed Rule Making* in this docket, FCC 96-317 (released August 14, 1996), the Commission proposed to allocate Channels 38, 57 and 47

as CMU's paired DTV channels for WCMU-TV, WCML and WCMV. These facilities would have provided coverage essentially similar to that now provided by CMU's existing stations. The Commission apparently thought that no NTSC allotment or proposed DTV channel would conflict with those allocations. In its separate consideration of possible DTV allocations, the Broadcasters Caucus proposed more attractive allocations of Channels 38, 16 and 46.^{1/}

However, in the *Sixth R&O*, the Commission allocated Channel *56 for WCMU-TV, *57 for WCML, and *58 for WCMV. CMU requests reconsideration of these aspects of the *Sixth R&O*, and urges the Commission to assist CMU in finding an acceptable substitute channels for WCMU-TV, WCML and WCMV. CMU is now working diligently to identify alternative channels that would avoid interference to other NTSC and DTV allotments and stations, although that search has been hampered by the unavailability of appropriate engineering tools.^{2/}

^{1/} In view of the Commission's and Broadcasters Caucus proposals, and in recognition of the fact that the Commission and the broadcasting industry urged that individual broadcasters not file separate comments, CMU saw no necessity to participate in the proceeding earlier on an individual basis. CMU did participate, however, in the form of comments filed on its and other public TV stations' behalf by the Public Broadcasting Service and America's Public Television Stations. Therefore, the requirements of Section 1.429 of the Rules with respect to petitions for reconsideration should be deemed satisfied. If necessary, however, CMU requests waiver of Section 1.429 to the extent necessary for the Commission to consider its petition, in view of the public interest issues raised herein.

^{2/} CMU is awaiting the FCC's anticipated release of OET Bulletin 69, which will provide detailed information on a variety of the engineering calculations underlying coverage and interference considerations. CMU reserves the right after the release of Bulletin 69, to supplement or modify its request as presented in this petition.

Substantial hardship will be inflicted upon CMU if it is required to activate DTV facilities for three of its four public TV stations on Channels *56, *57 and *58. Operation of these DTV stations with the power levels specified by the Commission to replicate coverage will result in additional electrical power costs of about \$933,000 per year. This is in itself a devastating problem for this noncommercial educational licensee.

Even worse, the Commission's proposal for CMU to activate three of its DTV channels on Channels *56, *57 and *58 would require CMU to change channels for each of these stations after the transition period. Under any scenario of the *Sixth R&O*, these DTV channels would be reclaimed by the Commission for other purposes as they are outside of the core spectrum for TV operations. Thus, under the *Sixth R&O*, CMU would be required to activate its three DTV stations, only to move them to other channels after the transition period. The enormity of this burden is evident: CMU believes that no other multiple station licensee in the country--much less any public television licensee--has out-of-core channels for 3/4 of its stations.

For the foregoing reasons, CMU requests reconsideration of the *Sixth R&O* to the extent that it allocates Channel *56 for WCMU-TV in Mt. Pleasant, Channel *57 for WCML in Alpena, and Channel *58 for WCMV in Cadillac.

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Respectfully submitted,

CENTRAL MICHIGAN UNIVERSITY

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June 13, 1997